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Congress of the United States
House of Representatives
Washington, DC 20515-3701

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The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Jackson:

In response to the April 29, 2010 Environmental Protection Agency (EPA) proposed rule regarding the reduction of toxic air pollutant emissions from new and existing industrial, commercial, and institutional boilers and process heaters, I ask you use the agency's flexibility to adopt standards tailored to different types of boilers rather than using a homogeneous approach. My concern lies in the potential impact of unyielding regulations on the wood products industry, which includes thousands of small and mid-size businesses, employing thousands of people in the state of Oregon.

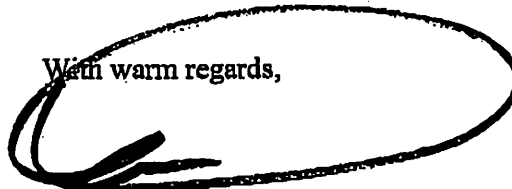
Under the Clean Air Act, the EPA is charged with setting emissions standards for hazardous air pollutants based on the best performing, lowest emitting technology available and in use. When the United States Court of Appeals for the District of Columbia Circuit vacated the Clean Air Act regulations for industrial, commercial, and institutional boilers (the "Boiler MACT") in 2007, the Court indicated that its principal concern lay with the EPA's error in defining solid and industrial waste and the implication of that definition on determining which emissions sources would be regulated under the Boiler MACT and which sources would be regulated under the EPA's related rulemaking on incinerators (CISWI rule). I am encouraged by the agency's position that the wide variety of biomass residuals used by the forest products industry, such as bark and wood panel trim, remain classified as fuels under the newly proposed definitions for non-hazardous solid wastes.

The Court's order kept the EPA's continued ability for the establishment of regulations for boilers intact, including the ability to adopt categories and subcategories of boilers that mirror actual use and practice in the wood products industry and others. I am optimistic about the eleven subcategories established under the newly proposed rule and hope to see further tailoring of the MACT requirement standards in the future.

I believe in the mission of the Clean Air Act, and have been, and will continue to be an advocate for the Act and the other environmental statutes that your agency is charged with implementing. I urge you to carefully consider the agency's regulatory options within the structure of the Act and take into account the unique circumstances of boilers used in the wood products industry.

Thank you for your attention to this matter. If you have any questions, please contact me at 202-225-0855.

With warm regards,

A large, stylized handwritten signature in black ink, enclosed within a large, irregular oval shape.

David Wu
Member of Congress